

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY
SPECIAL MEETING AND PUBLIC HEARING MINUTES
AUGUST 23, 2004

(The following Minutes are a summary of the Special Meeting/Public Hearing for the City of Redmond NE Rose Hill Annexation – Phase I (File No. 2168). Complete audio transcripts and written transcripts are available from the Boundary Review Board.)

I. CALL TO ORDER

James Denton, Chair, convened the meeting at 7:00 PM.

II. ROLL CALL

The following members were present at the Special Meeting and Public Hearing:

Ellen Abellera	Evangeline Anderson
Lloyd Baker	A. J. Culver
Ethel Hanis	Claudia Hirschey
Roger Loschen	Michael Marchand
Judy Tessandore	

III. MODIFICATION PUBLIC HEARING

CITY OF REDMOND NE ROSE HILL ANNEXATION
(FILE No. 2168)

INTRODUCTION:

Chair Denton stated that the purpose of the Special Meeting is to continue the Public Hearing for the NE Rose Hill Annexation – Phase I, a proposal submitted by the City of Redmond to the Boundary Review Board in April of 2004. The Boundary Review Board is charged with the task of providing independent review and decision with respect to applications for annexation of unincorporated lands.

Chair Denton and Robert C. Kaufman, Special Assistant Attorney General to the Boundary Review Board, described the standards for a quasi-judicial public hearing and the scope of the hearing. Mr. Kaufman explained the process for taking public testimony.

Chair Denton opened the public hearing.

Lenora Blauman described the proposed annexation. She reported that the Redmond City Council adopted a petition by property owners in support of the initial NE Rose Hill Annexation – Phase I proposal on March 6, 2004. The City submitted a Notice of Intention to the Boundary Review Board in April 2004.

On June 4, 2004, the Office of the King County Executive invoked jurisdiction (submitted a request for a public hearing). The King County Executive is requesting that the Boundary Review Board expand the annexation to include the entire NE Rose Hill Potential Annexation Area (184 acres), as permitted by RCW 36.93.150.

On July 15, 2004, following due legal notice and public notice pursuant to RCW 36.93, the Boundary Review Board conducted a public hearing to consider the original proposal by the City of Redmond to annex NE Rose Hill – Phase I (59 acres).

At that public hearing, the Board also considered whether King County's request to modify the annexation area to 184 acres would merit specific review based on the state law (RCW 36.93) that sets criteria for annexation.

At the conclusion of that public hearing, the Board determined that, in order to meet the requirements of state law, the Board would conduct a public hearing to consider King County's request to modify the NE Rose Hill Annexation to 184 acres. The continued public hearing was scheduled for August 23, 2004. Due legal notice and public notice of the continuing public hearing was provided pursuant to RCW 36.93.

At this public hearing of August 23, 2004, the Board will review the proposal for modification of the NE Rose Hill Annexation to include the entire NE Rose Hill Potential Annexation Area (184 acres).

The proposed boundaries of the modified NE Rose Hill Potential Annexation Area (PAA) are generally described as:

- The northern boundary of the annexation area would be formed by NE 108th Street
- The southern boundary of the annexation area would be variously formed by NE 97th Street and approximately by NE 93rd Street (if extended).
- The western boundary of the annexation area would be formed by 132nd Avenue NE
- The eastern boundary of the Annexation area is) would be contiguous to the western boundary of the existing City of Redmond.

PROPONENT PRESENTATION: City of Redmond – Rob Odle, Policy Planning Manager; Dianna Broadie, Senior Planner; Angela Belbeck, City Attorney

On behalf of the City of Redmond, Mr. Odle and Ms. Broadie presented a statement concerning the proposed modification of the NE Rose Hill Annexation. Mr. Odle and Ms. Broadie responded to inquiries by the Boundary Review Board members. Following is a summary of the statement (including responses to inquiries).

Redmond representatives reported that the City supports the provisions of state law and regional authorities that mandate logical orderly growth of urban areas. To that end, the NE Rose Hill Annexation Area is included in the City's adopted Comprehensive Plan as a Potential Annexation Area. This Comprehensive Plan and the Potential Annexation Area Plan were developed, as required by state law, with substantial input from the community. Opportunities for community involvement included numerous general and specific written materials together with community meetings. Citizens' groups also participated in planning for specific subareas within the City of Redmond and within the City's Potential Annexation Areas. The resulting Comprehensive Plan and the Potential Annexation Area Plan have been approved by the State of Washington.

Since 1998, City officials have been working with citizens to achieve annexation of the entire 184-acre NE Rose Hill Annexation Area. Redmond representatives reiterated that, under state law, citizens – that is, property owners and/or registered voters -- must initiate proposals for annexation. Agreement to annex must be achieved among the citizens, the City, and the County. To that end, the City has met on several occasions with community members in the City of Redmond's NE Rose Hill Potential Annexation Area to provide information concerning annexation. The City undertook this work with the community because City officials believe that annexation of the entire NE Rose Hill Annexation in a single action would be the ideal method for providing unified governance and service to the area. Various annexation plans have been considered to include the entire NE Rose Hill Potential Annexation Area; each plan has failed to gain the necessary citizen support.

However, citizens have been successful in obtaining support for annexation of more limited areas. Specifically, the citizens of the NE Rose Hill Annexation Area – Phase I (59 acres) have submitted a petition to annex which was signed by property owners representing at least 60% of the assessed valuation of the property. Several of the property owners in the subject area are seeking annexation in order to develop properties. Some property owners are also seeking annexation to qualify to receive sewer services to replace failing septic systems.

Redmond representatives are requesting that the Board approve the more limited proposed NE Rose Hill Annexation – Phase I because the proposed action, although an incremental incorporation, is consistent with Boundary Review Board Factors (RCW 36.93.170) and Objectives (RCW 36.93.180) as described in the presentation of July 15, 2004. Similarly the proposed annexation is reported to meet the intent of the Growth Management Act encouraging local governance of urban areas. The proposed action is consistent with the King County Comprehensive Plan (e.g., LU-31 which calls for orderly growth of and services to urban areas). The action would also be consistent with the City of Redmond Comprehensive Plan provisions for community governance. The achievement of this annexation would bring a successful conclusion to an extensive community process.

Mr. Odle and Ms. Broadie stated that City of Redmond officials recognize that RCW 36.93.150 permits the Board to modify the boundaries of the proposed NE Rose Hill Annexation – Phase I (59 acres). The Board could require the City of Redmond to immediately annex the entire NE Rose Hill Annexation Area (184 acres). There is precedent in King County and in other counties (e.g., Clark, Skamania) for modification of boundaries. However, those modifications reflected a requirement to meet contractual obligations or to address service emergencies. Redmond representatives believe that the proposed NE Rose Hill Annexation Area modification, which would triple the size of the area to be incorporated, should be required only where there is a compelling reason to do so. The modification to the NE Rose Hill Annexation, as currently proposed by King County, offers no compelling justification.

More specifically, King County can continue to provide local services to this small area. Further, the County would be required to provide regional services here. For example, reportedly County sheriffs officers are accustomed to providing service here and can easily travel to the area – a typical emergency response time is 6-7 minutes. The County would incur limited costs for continuing to govern and serve the remaining 125-acre NE Rose Hill Area for the time period until annexation can be achieved by citizen petition.

As such, the proposed modification would reportedly be an extension of precedent and, thus, potentially inconsistent with the intent of RCW 36.93.150.

City of Redmond representatives confirmed that the City has established NE Rose Hill as a Potential Annexation Area. While the City's ultimate goal is the annexation of the entire Potential Annexation Area, Redmond representatives reported a grave concern that a Boundary Review Board decision to require annexation of the 184-acre NE Rose Hill Area, as requested by King County, would reportedly fail to promote orderly growth as envisioned by state law. Rather, the larger annexation would be untimely and likely could hinder the incorporation of land in this area. The City believes that incremental annexation is appropriate in this situation, as community support is lacking for an area-wide annexation.

More specifically, the registered voters of this area considered and defeated an annexation proposal in 2003. While the number of voters was small, voter turnout was substantial – the listing of registered voters included persons who have left the area or are otherwise ineligible to vote. Subsequent community surveys indicate no greater support for annexation at this time. The City believes that it is appropriate to defer to the preferences of community members.

In the event that the Boundary Review Board were to require immediate annexation of the entire NE Rose Hill Potential Annexation Area (184 acres), the City believes that the action is likely to result in a challenge through a judicial appeal due to the fact that annexation is inconsistent with the will of the citizens. While the Board should not be governed by the prospect of litigation, the Board does consider the voice of the people. The annexation of the entire NE Rose Hill Area at this time would be inconsistent with the will of the citizens of this larger area. An appeal by these people – whether successful or unsuccessful – would result in a delay in the annexation of the 59-acre NE Rose Hill – Phase I Area. Such a delay would thwart the will of the people living within this area. A delay would prevent the citizens in this area from obtaining opportunities for local governance and from receiving City services which provide for public health and safety.

Redmond representatives reiterated that, while the City does not believe it is appropriate to annex the 184-acre NE Rose Hill Annexation Area at this time, the City will continue to consider a range of options – and timelines -- for a phasing plan for annexation of the remaining NE Rose Hill properties.

For example, the City intends to continue to work with citizens to promote interest in annexation. In the opinion of City officials, the NE Rose Hill Annexation – Phase I may serve as a catalyst to encourage other property owners to join the City to participate in local governance, to develop lands under City standards, and to receive local services. The City would support annexation immediately upon expression of interest by the local citizens and property owners.

Although the City prefers to await an approach by citizens, Redmond City officials are prepared to establish a timeline for phasing of annexation of the entire NE Rose Hill Area if the Boundary Review Board so requests. City officials would have to confirm such a specific phasing plan. While it is

possible that some portions of the NE Rose Hill Area could be annexed by interlocal agreement or by City resolution, annexation of the greater area would require citizen petitions and, perhaps, further elections.

Redmond representatives also pose the option of a limited modification of the proposed NE Rose Hill Annexation Area – Phase I to increase the number and acreage of properties to be annexed into the City at this time. City representatives suggest that a 17 acre area immediately adjacent (located east of 136th Avenue NE, west of Redmond corporate boundaries, and north of NE 102nd Street) be included in the present annexation as there are citizens within that area who have expressed interest in joining the City.

Interlocal agreements and/or reverse contracting plans with King County could also be possible to reduce King County costs for services to the NE Rose Hill Annexation Area until incorporation can be achieved. A reverse contract has been the subject of general discussion with King County, but there is no specific plan under consideration at this time.

Redmond representatives reported that the City is prepared to immediately govern and serve the entire NE Rose Hill PAA (184 acres) at annexation, whether the area is incorporated into the city on an incremental basis or by a single comprehensive action. The City is currently providing water to the area through an Interlocal Agreement. As permitted by state law, the City of Redmond requires annexation to provide services to properties. The City is not required by law to provide services to properties outside of city boundaries; the City does not have any agreement or franchise to provide services to unincorporated areas.

At annexation, the City of Redmond will regulate use and development of the NE Rose Hill properties consistent with the City's Comprehensive Plan, NE Rose Hill Subarea Plan, and Zoning Regulations and Environmental Regulations. The NE Rose Hill Annexation Area will continue to be designated for residential uses. The primary use would be single-family development at 4-5 dwelling units per acre, which is similar to the zoning designation/density established by the County. In limited sections the City would permit more innovative cottage housing. The uses and designations proposed for the NE Rose Hill Area are similar to those established for surrounding areas within Redmond and the nearby City of Kirkland.

At annexation, the City of Redmond will include the NE Rose Hill properties in its Service Area. The City is prepared to provide services directly or by contract. Interlocal agreements for service exist with Kirkland and Bothell. More specifically, the City will continue to provide water services to the entire area.

The City is also reportedly prepared to extend sewers to any area within NE Rose Hill. The City will convert properties from the existing septic systems to sewer upon request by the property owner. The City may establish Local Improvement Districts, as appropriate, for future services. It is anticipated that sewers could be in place in the proposed NE Rose Hill annexation Area – Phase I by 2006.

The City would also provide (directly or by contract) for fire service and police service to the NE Rose Hill properties. Similarly, the City would provide for public facilities such as roads and storm water management systems. The City is planning for rebuilding of these facilities as necessary to protect public health and safety. Area residents would also have access to schools, libraries and recreation facilities. The City is considering development of a new park.

Redmond representatives report that while there will be changes in taxation patterns, the citizens will not experience major changes in taxation rates. Similarly the County lose taxes, but will not experience a net financial loss, as the County's service area will be reduced by this proposed annexation.

OPPONENT PRESENTATION: King County Office of the Executive: Michael Thomas, Senior Policy Analyst; Captain Rebecca Norton King County Sheriff's Office

On behalf of the King County Office of the Executive, Michael Thomas and Captain Rebecca Norton presented King County's position concerning the modification to the annexation of the NE Rose Hill Area. Mr. Thomas and Captain Norton responded to inquiries by the Boundary Review Board members. Following is a summary of the statement (including responses to inquiries).

Mr. Thomas reported that the King County Office of the Executive invoked jurisdiction seeking a modification to the proposed NE Rose Hill Annexation – Phase I to include the entire NE Rose Hill Annexation Area. Mr. Thomas reported that this unusual challenge was made for just cause. More specifically, King County plans and policies call for annexation of lands within the Urban Growth Area. Of special interest to the County is the desirability of annexing small isolated urban areas, such as NE Rose Hill, because annexation provides residents with local governance and needed public services/facilities.

Mr. Thomas stated that incorporation of this area would also be consistent with the Redmond Comprehensive Plan, which established NE Rose Hill as a Potential Annexation Area in 1994. Under the law, there is no option for annexation to the City of Kirkland. Thus, the NE Rose Hill Area will be incorporated into the City of Redmond. However, the Redmond Plan does not establish a specific timeline for annexation of the NE Rose Hill Area.

Mr. Thomas stated that the Boundary Review Board is authorized by RCW 36.93.150 to annex the entire NE Rose Hill Potential Area (184 acres) to achieve the intent of the State Growth Management Act, the King County Comprehensive Plan, and the City of Redmond Comprehensive Plan. County representatives believe that those standards provide a rationale for the proposed modification of the NE Rose Hill Annexation Area to 184 acres. County officials believe that incorporation of the NE Rose Hill Area to the City of Redmond will provide citizens with more effective, efficient governance and service as envisioned in the state, regional, and local plans and regulatory authorities.

RCW 36.93.150 permits boundary review boards to evaluate each proposal for modification on its merits. The NE Rose Hill Annexation Area modification would be permitted by law. The modification would also be consistent, in principle, with previous actions by boundary review boards to modify annexations. For example, Clark County has increased an annexation to the City of Vancouver by 11,000 acres and 34,000 citizens in order to provide for unified local governance and satisfactory public services (e.g., police service). Skamania County also expanded a proposed annexation to incorporate multiple properties to eradicate island areas. The King County Boundary Review Board has also modified annexation boundaries to achieve better compliance with state and local standards. Boundary Review Board actions to expand boundaries have been upheld by the judiciary.

Mr. Thomas stated that incorporation of the complete NE Rose Hill Potential Annexation Area into the City of Redmond is appropriate based upon RCW 36.93, the criteria established by the State to serve as the basis for Boundary Review Board decision-making with respect to annexations. RCW 36.93 establishes the authority to annex where local plans and existing/future conditions support incorporation of land into a local jurisdiction. With respect to the NE Rose Hill Annexation, Mr. Thomas reported that:

- Annexation of the entire NE Rose Hill PAA into Redmond achieves greater consistency with RCW 36.93.180 (Objective 1) which calls for preservation of communities because the 184-acre area forms a geographic and social neighborhood. The City of Redmond reports that plans have been approved for governance, development, and services to the NE Rose Hill Potential Annexation Area. The NE Rose Hill Subarea Plan establishes the 184-acre area for like land uses and development standards. Environmental protection ordinances are based upon area-wide land elements (e.g., Willows Drainage Basin).

At annexation all current residential uses will continue to be authorized uses. ISA, which is a non-conforming use in the County, will remain a non-conforming use in the City of Redmond. The City would be permitted to require safety standards for the firing range; City standards may differ from County standards.

With the proposed 59-acre annexation, some community properties will be joining the City and some properties remaining in the County, creating a patchwork community, with varying governance standards, differing services, and inconsistent environmental protection standards.

- Annexation of the entire NE Rose Hill Potential Annexation Area into Redmond is consistent with RCW 36.93.180 (Objective 2) which calls for use of physical boundaries to serve as a basis for incorporation boundaries. The annexation of the 184-acre area would bring into the City all lands within the NE Rose Hill PAA which are east of 132nd Avenue NE, north of NE 93rd Street and south of NE 108th Street. This full annexation would create a seamless community with clear physical boundaries. Annexation of the limited (59-acre) area is not based upon clear physical boundaries creating confusion with respect to community identity and service provision.
- Annexation of the entire NE Rose Hill Potential Annexation Area into Redmond is consistent with RCW 36.93.180 (Objective 3) which calls for logical service areas. The incorporation of the larger area provides a logical service area which is clearly delineated and which enables the provision of coordinated and efficient services. The City can govern the entire NE Rose Hill Area immediately. City officials have stated that services (e.g., water, sewer, fire, etc) can be provided to the NE Rose Hill Potential Annexation Area either directly by the City of Redmond or by interlocal agreements with other service providers.

Annexation of the 59-acre area is not consistent with this criterion because it complicates an already complex service system. More specifically, the 59-acre annexation will result in dissonance in service provision because various County providers and local providers will be required to serve areas that are not clearly delineated. Services will be less effective, less efficient, and more costly. Service availability will be fragmented as well.

For example, there are concerns related to public health and welfare based upon the fact that the area is currently served by septic systems, many of which are failing. Under the law, sewers may be provided only to properties within the City of Redmond. The City has made a commitment to sewer all properties that are annexed to Redmond.

For example, Captain Rebecca Norton reports that concerns about the ability to provide police services that are timely and efficient in an area of small pockets. Such pockets provide illogical service areas. Captain Norton stated that citizens and service providers must be able to rely upon a reasonable and predictable plan for service.

The Sheriff's present service program does provide for officers in the field – however in an emergency, it may be necessary to dispatch a sheriff from a center in Kenmore so that response time may be 20 minutes. This response time poses many problems for citizens and service providers. The City can provide direct police service to the entire NE Rose Hill Area. The City of Redmond is more able than the Sheriff to provide reliable timely police service to the area.

- Annexation of the entire NE Rose Hill Potential Annexation Area into Redmond is consistent with RCW 36.93.180 (Objective 4) which is intended to prevent abnormally irregular boundaries. Annexation of the 184-acre area will eliminate

The proposed 59-acre annexation area does not create a unified, regular boundary. Annexation of a 59-acre area creates, rather than resolves, a discontinuous boundary. The division in affiliation of residents hinders effective governance.

- Annexation of the entire NE Rose Hill Potential Annexation Area into Redmond is consistent with RCW 36.93.180 (Objective 7) which is intended to create practical boundaries. The modified 184-acre annexation creates a practical boundary, which will enable streamlined provision of public facilities and services.

The 59-acre area fragments community borders and thus splinters community identity. The proposed boundaries will result in complicated boundaries, which will create confusion for the provision of public facilities and public services.

- Annexation of the entire NE Rose Hill Potential Annexation Area into Redmond is consistent with RCW 36.93.180 (Objective 8) which calls for incorporation of urban areas. The NE Rose Hill Area

is within the King County Urban Growth Area boundaries. The land within the Potential Annexation Area and properties in the surrounding cities are designated for urban development. A substantial portion of the land is now developed at urban densities. Annexation of the entire NE Rose Hill Area will permit more coordinated development and unified public services. Annexation of the 59-acres does not materially reduce the unincorporated area.

Mr. Thomas stated that, with respect to the City of Redmond NE Rose Hill Potential Annexation Area, the County Executive recognizes that citizens declined annexation in an election conducted in 2003. Mr. Thomas noted that, of more than 300 persons qualified to vote, only 168 persons cast ballots. Approximately 58% of voters (97 persons) opposed the annexation. Approximately 42% of voters (71 persons) favored annexation. Mr. Thomas believes that this election is not a sound basis for a mandate for future governance.

Mr. Thomas stated that the establishment of reverse contracting for services as an option to immediate annexation of the entire NE Rose Hill Annexation Area poses challenges for King County. Based upon a review of the law that establishes governance/service requirements, there is considerable question as to whether the County can transfer duties to another jurisdiction. Concerns relate to the fact that King County would have responsibility – but not authority – to serve the area. Further, reverse contracting may violate County agreements with labor unions. Of particular concern is loss of jobs. Positions would also be eliminated upon annexation. However, there are contractual provisions for termination in conjunction with a change of jurisdiction through incorporation.

The Executive acknowledges that a decision by the Board to call for Redmond to annex the entire 184-acre NE Rose Hill Area could lead to a lawsuit. However, litigation should not be the criteria for a decision. Litigation is inherent in the quasi-judicial process. Decisions based upon potential litigation annexation would paralyze government.

In conclusion, Mr. Thomas reported that the County Executive is requesting that the Board call for immediate annexation of the entire NE Rose Hill Annexation Area because it is in the best interests of all parties for the entire NE Rose Hill Area to immediately join the City of Redmond. Immediate comprehensive annexation better promotes balanced governance.

GENERAL TESTIMONY:

NE ROSE HILL NEIGHBORHOOD ASSOCIATION

Marvin Fisher and Tim McGruder representing the NE Rose Hill Neighborhood Association presented statements concerning the proposed NE Rose Hill Annexation. Mr. Fisher and Mr. McGruder responded to inquiries by the Boundary Review Board members. Following is a summary of these statements (including responses to inquiries).

Marvin Fisher testified that:

- The NE Rose Hill Neighborhood Association met on August 20, 2004. Approximately 40 persons attended the meeting representing properties throughout the 184-acre NE Rose Hill Annexation Area. Participants conducted a straw vote on governance preferences. More than 80% of those voting would prefer to remain in unincorporated King County. If annexation must occur, then 83% of the voters want to annex to Kirkland and 17% of voters prefer to join Redmond.
- Citizens are pleased with governance and services provided by King County. When the County can no longer serve, then citizens will ask the County to work out a service agreement with Kirkland. Kirkland currently provides many services to the area.
- Mayor Burleigh of Kirkland has been approached about annexation of the NE Rose Hill Area, should the County require annexation. The mayor has reportedly expressed interest in inviting Rose Hills to join Kirkland.
- NE Rose Hill citizens currently feel a social affiliation with Kirkland. NE Rose Hill boundaries are formed by 132nd Avenue NE and topographic slopes which have a closer physical and natural connection to Kirkland than to Redmond.

- The NE Rose Hill Area has been included in the City of Redmond Comprehensive Plan without due public process. Many of the citizens of NE Rose Hill have had no knowledge of, nor was there consent to, the City of Redmond Comprehensive Plan.

(Note: The Growth Management Act requires each city in King County to develop a Comprehensive Plan. The Act requires that each Plan be developed with input from community groups. The State of Washington [CTED] requires confirmation that public participation has occurred as a condition of granting approval to each city's comprehensive plan. Similarly, the Open Public Meetings Act [RCW 42.36] requires that planning take place in a public forum. The City of Redmond Comprehensive Plan has been approved by the State of Washington. Under this approved plan, Redmond is the only community that has been authorized to annex the NE Rose Hill Area. The City of Kirkland, the only other adjacent jurisdiction, has provided a letter indicating that the jurisdiction has no interest in seeking authority from the City of Redmond or from the State of Washington to annex the NE Rose Hill Area.)

- It appears that annexation is not required for NE Rose Hill' properties to receive sewers. It appears that the City must provide sewers to unincorporated properties. An Interlocal Agreement was alleged to have historically mandated sewer provision – the agreement was reportedly terminated in a manner that allowed Redmond to authorize/withhold services under false pretenses.
- The NE Rose Hill Neighborhood Association is seeking verification of laws applicable to annexation and service of the 184-acre NE Rose Hill Area. The Association is similarly seeking confirmation of service contracts and service requirements. The Association has submitted a petition to the Office of Christine Gregoire, State Attorney General for the purposes of stopping the annexation of any portion of NE Rose Hill and requiring the City of Redmond to provide services to unincorporated properties. Ms. Gregoire has not responded to the Association.
- The NE Rose Hill Neighborhood Association requests, at a minimum, that the Board rejects the King County request to expand the annexation to include the entire 184-acre NE Rose Hill Area. Ideally, the initially proposed 59-acre annexation would be denied as well, as there are numerous citizens from that area that do not wish to annex to Redmond.

Tim McGruder stated that:

- The citizens of the NE Rose Hill Annexation Area - Phase I (59 acres) are requesting that the Board approve the incorporation of this area into the City of Redmond. Citizen interest is based upon a planning process launched initially in 1998. The citizens of this area have worked with the City to develop a Subarea Plan and service plans that will effectively provide for and support this community.
- The Board is requested, however, not to expand the annexation to include the entire 184-acre NE Rose Hill Annexation Area. Concerns are raised because a number of citizens in this larger area are opposed to annexation at this time. If the Board requires annexation, then there is a high likelihood of a legal challenge. That challenge – whether a success or a failure – would substantially delay, or perhaps prevent, annexation of the Phase I properties.
- The majority of the citizens of the remaining NE Rose Hill Annexation Area (125 acres) wish to remain in unincorporated King County. These community members believe that Redmond has not provided sufficient support and certainty for land use planning, infrastructure, services and facilities.
- Successful annexation and governance of the Phase I Area could permit the citizens of unincorporated properties to see the value in obtaining local governance and services from Redmond. For example, Redmond provides better opportunities for involvement in community planning, better code enforcement, and better environmental protection standards.
- Citizens of the greater NE Rose Hill Area would also be more likely to have an interest in annexation when Redmond begins to provide services (e.g., sewers) to the community. Although Redmond officials have stated the capacity and intent to serve the area, some citizens remain uncertain about the availability and accessibility of services from the City.

INDIVIDUAL CITIZEN TESTIMONY

Several individual citizens from the NE Rose Hill Potential Annexation Area spoke their opinions concerning impacts of annexation upon the local community. Speakers included residents and property owners throughout the NE Rose Hill Potential Annexation Area (184 acres). Following is a summary of testimony of opinions concerning the NE Rose Hill Annexation (including responses to inquiries).

COMMENTS IN SUPPORT OF THE NE ROSE HILL ANNEXATION AREA PHASE I (59 ACRES)

- Annexation of the initially proposed NE Rose Hill Annexation Area Phase I (59 acres) should be permitted by the Boundary Review Board. This annexation is consistent with the preferences of affected residents and property owners. The annexation proposal is based upon extensive planning efforts on the part of the City of Redmond working with the NE Rose Hill Planning Team. The team included a sizeable group of community members.
 - The presently proposed NE Rose Hill Annexation (59 acres) could be permitted based upon citizen choice. However, the annexation should not be expanded to include the additional 125 acres within the NE Rose Hill Annexation Area at this time for the following reasons:
 - The State Growth Management Act does not establish specific requirements for annexing properties to local governments. GMA should not be used as a basis for the scope and timing of annexations.
 - The NE Rose Hill Annexation boundaries are artificial. The borders do not establish a community, a governance unit, or a service area. King County governs and serves the area. King County provides access. King County is the appropriate jurisdiction to continue governing and serving the area.
 - The Office of the King County Executive should not be permitted to require annexation against the preferences of citizens. The County should not be permitted to dictate boundaries for individual properties. Financial constraints are not justification for forcing annexation against the will of the citizens.
 - RCW 36.93.150 allows the Board to permit only limited expansion of proposed annexations. The King County request for the addition of 125 acres to the annexation is not permitted under the law.
- (Note to Reader: RCW 36.93.150 states that the Boundary Review Board may "modify the proposal by adjusting boundaries to add or delete territory. However, any proposal for annexation of territory to a town shall be subject to RCW 35.21.010 and the board shall not add additional territory, the amount of which is greater than that included in the original proposal. " RCW 36.93.150 limits restrictions only to "towns." Modifications to city annexations must be consistent with the Potential Annexation Area described in an approved Comprehensive Plan. There are no other limits placed on modifications to city boundaries by statute or case law. Therefore, the Board is within its authority to consider the annexation of the entire 184-acre Rose Hills Annexation Area.)*
- Citizens of the greater NE Rose Hill Annexation Area have made clear their lack of interest in annexation. Citizens are concerned that Redmond will permit new land uses and development standards (e.g., increasing density permitting up to 1000 homes) that will change the character of the community.
 - If the Boundary Review Board approves the proposed NE Rose Hill Annexation Area – Phase I (59 acres), then the annexation likely would occur without legal challenge. The residents and property owners from this area could immediately join the City of Redmond.

Citizens of the remaining NE Rose Hill Annexation Area (125 acres) will then be able to observe the ways in which Redmond provides quality governance and effectively serves the new city area. These citizens may then become interested in annexation.

Further, it is likely that citizens of the remaining unincorporated area would eventually come to seek annexation in order to redevelop properties, develop vacant properties, and/or receive sewer services.

COMMENTS IN OPPOSITION TO THE NE ROSE HILL ANNEXATION AREA PHASE I (59 ACRES)

- The proposed NE Rose Hill Annexation - Phase I (59 acres) should be denied by the Boundry Review Board. The NE Rose Hill area functions well as a community. Annexation may be necessary at some point but there is no problem with governance or service at this time. Annexation would just create problems. Annexation addresses only an interest by King County in transferring responsibilities for governance and service to the City of Redmond. Redmond does not wish to annex the NE Rose Hill Area.

The law establishes a process for citizens to seek annexation. The proposed NE Rose Hill Annexation Area – Phase I does not reflect the preferences or interests of a majority of the citizens or property owners. The proposed modification of the annexation to include the entire NE Rose Hill Area (184-acres) is an even more egregious violation of citizen will.

Annexation will occur at some point in the future, but the current plan and timeline is not acceptable. Annexation now is unnecessary – it would be a bitter pill to swallow and would force citizens to use the judicial system to prevent annexation into Redmond.

COMMENTS IN OPPOSITION TO THE NE ROSE HILL ANNEXATION AREA (184 ACRES)

- The entire NE Rose Hill Area should be permitted to remain in unincorporated King County. Annexation of NE Rose Hill is inconsistent with the criteria described in RCW 36.93.180. For example, the annexation is not acceptable because it would divide and fragment the community. The annexation will force the presently rural area into an urban community, thereby, negatively altering the quality of life. Annexation is not based upon true physical boundaries. Access to NE Rose Hill is via King County. Annexation is not based upon a logical service area. It is King County that provides amenities and services to the NE Rose Hill Area. Children are educated in the Lake Washington School District.

COMMENTS IN SUPPORT OF THE NE ROSE HILL ANNEXATION AREA (184 ACRES)

- Incorporation of the entire NE Rose Hill Annexation Area should be approved by the Boundary Review Board. Annexation is necessary to allow the community to accommodate residents. Annexation is necessary to provide services to support homes, public facilities and services, and the natural environment.

GENERAL COMMENTS

- Redmond plans and regulations appear to provide for governance and service to the NE Rose Hill Area, but the City does not have a good track record for implementation of plans or services. Redmond is obligated to provide for NE Rose Hill.

For example, residents and property owners of NE Rose Hill do not wish to join Redmond to obtain sewers. Many residents are satisfied with existing septic systems. Those persons who wish sewers should not be required to join Redmond to receive sewers. King County should provide sewers. Alternatively, Redmond must provide sewers to the unincorporated area. The Boundary Review Board must require the City to immediately provide sewers to properties in the area with or without annexation.

- Existing laws permit citizens to select the timing of annexations. Citizens should be able to plan and control annexation in keeping with the law. The present NE Rose Hill Annexation would be an act of gerrymandering. Gerrymandering is not appropriate. Citizens would be forced to seek justice in the courts. The courts should not have to protect citizens from the governments that are bound to serve them.
- Some citizens reportedly would be willing to consider annexation to Redmond at an election. While annexation by administrative action may be permitted under the law, annexation by a vote is more appropriate. Annexation without a vote would be egregious. Annexation without an opportunity to vote reduces confidence in and support for the City. Annexation by administrative decision indicates future local governance that does not consider citizen interests.

INTERLAKE SPORTING ASSOCIATION

There was citizen testimony that that Interlake Sporting Association (ISA) property is not proposed for annexation in the City of Redmond Notice of Intention. However, if the County Executive's request to expand the NE Rose Hill Annexation to 184 acres were approved by the Boundary Review Board, then ISA would become a part of Redmond. The annexation of ISA is reportedly opposed because this transfer of jurisdiction would be problematic for numerous reasons. For example, under County jurisdiction, the ISA is a non-conforming use. ISA could continue as a non-conforming use in the City of Redmond. However, testimony reported an opinion that the City could establish safety standards so complex and costly to execute as to require the closure of ISA. While firing ranges are allowed elsewhere in King County, only the Forest Resources Zone permits outdoor firing ranges and so there are few opportunities to relocate ISA.

REBUTTAL CITY OF REDMOND – Rob Odle; Diana Broadie; Angela Belbeck (Redmond City Attorney)

Mr. Odle reported that the entire NE Rose Hill Area is designated as an Urban Area in the King County Comprehensive Plan. The City of Redmond Comprehensive Plan includes NE Rose Hill as a Potential Annexation Area. NE Rose Hill is designated as an Urban Area because it is well within the King County Urban Growth Boundary. The State of Washington has approved the Comprehensive Plans for both King County and the City of Redmond.

The City has endeavored to work with residents and property owners throughout the NE Rose Hill Area to establish a Subarea Plan to preserve the sense of community, to guide new development, to support the natural environment, and to provide public services. For example, the City addressed community concerns for roadway connections by modifying plans for a link from Willows Road to NE 100th Street.

Redmond officials believe that citizens would benefit from joining the City because community members would experience consistent governance, compatible land development, and unified public services. Redmond officials would welcome those citizens who choose to annex to the City. However, City officials would prefer that community members initiate the annexation process in order to ensure that new citizens wish to be affiliated with the City. This system of annexation ensures that the City will grow in a logical and orderly manner.

Redmond officials recognize that the King County Executive believes that the entirety of the NE Rose Hill Annexation Area should be incorporated into the City at this time in order to meet the goals of the King County Comprehensive Plan. Similarly, Redmond representatives recognize the mandate of the Boundary Review Board to ensure that annexations occur in a manner that achieves the provisions of the Growth Management Act, RCW 36.93, and other applicable state, regional, and local authorities.

City officials have expressed concerns that increasing the proposed NE Rose Hill Annexation Area from 59 acres to 184 acres, while theoretically permitted under RCW 36.93.150, would not be consistent with the precedent set by previous such actions. For example, when the King County Boundary Review Board modified a previously proposed annexation in the NE Rose Hill Area, the change in boundaries was necessary in order to eliminate two small remaining unincorporated islands. Clark County enlarged an annexation area to include lands within the City of Vancouver that were receiving services from that local jurisdiction. There are no similar or equivalent issues relating to the request for modification of the NE Rose Hill Annexation Area.

Redmond representatives believe that the City's ability to annex, govern and serve NE Rose Hill would be hampered by a likely legal challenge to the Board's action to require immediate annexation of the 184-acre area. Whether or not a legal challenge succeeds, the challenge will effectively disrupt the annexation of the 59-acre NE Rose Hill Area. In this circumstance, citizens who wish to join the City of Redmond would be unable to do so. Governance and service to the area would be further fragmented and would be costly to both governments and citizens.

In order to address the interests of the County and the Boundary Review Board criteria for annexation, while preserving the rights of citizens to annex at their choice, the City suggests reverse Contracting for Services – Reverse contracting is an important possibility. City officials believe that there are authorized means by which the County could delegate authority to the City to provide

services. Labor contracts can be renegotiated through bargaining. The particular service challenge posed by the Sheriff's Office is not an annexation issue, but rather should be addressed through specialized training to improve quality and efficiency of services.

When annexation does occur, Redmond officials are prepared to serve citizens in the following manner:

- The Redmond Comprehensive Plan has established land uses and development standards for NE Rose Hill. Permitted residential uses would be similar in type and density levels to those permitted now in the annexation area. Permitted residences would also be similar to homes in the surrounding cities of Redmond and Kirkland.

Under the aegis of the City, ISA could be permitted to continue operations subject to RCW 36.93.190 as this statute allows an approved use to continue under a change of jurisdiction. This law does not prevent a jurisdiction from establishing additional requirements (e.g., licensing) for such a use. Thus, the City of Redmond would be authorized to require compliance with safety standards intended to protect persons, property, and habitat.

- The City of Redmond has regulatory controls to protect environmentally sensitive areas. These controls acknowledge and address such areas as steep slopes and habitats.
- The City is prepared to provide the community with necessary urban services. More specifically, the City would directly provide sewer systems and stormwater systems. Water is provided through a regional system under a contract. Redmond provides fire service and emergency services through a contract with Kirkland. Redmond would directly provide police services.

Under the law and under existing interlocal agreements, the City of Redmond is responsible provide for services to properties within city limits. For example, an existing interlocal agreement required capital improvements and bonds for water service. There is no similar agreement for sewer service. There is no obligation by law or by agreement for the City to serve unincorporated areas.

- At annexation, only minimal changes would occur to taxation rates/systems. For example, residents currently pay a tax to Fire District No. 34. For 18 months following annexation, that fire district tax would continue. At that time, a tax would be paid to the City of Redmond in a combined services package. Under the combined levy system, the tax rate would actually be reduced.
- The ability to participate in local government would protect the quality of life for community members.

Mr. Odle concluded that the City believes that the proposed NE Rose Hill Annexation – Phase I (at 59 acres) is most appropriate at this time. The proposed NE Rose Hill Annexation – Phase I (at 59 acres) would meet the provisions of RCW 36.70A (State Growth Management Act) and RCW 36.93. Successful annexation of the proposed NE Rose Hill - Phase I Annexation will enable the City to ensure that citizens will receive services needed to protect public health and safety. Annexation will support the City's efforts to exercise due diligence to finalize and implement land use plans (e.g., zoning for residential areas; zoning for the private gun club) and public service plans.

In the event that the Board approves the NE Rose Hill Annexation – Phase I (at 59 acres), the City can begin to immediately govern and serve this area. Then, Redmond officials will continue to support future annexation of the NE Rose Hill Area in accord with the City's Comprehensive Plan and with community preference for incorporation into Redmond.

However, in the event that the Board approves a 184-acre annexation, the City is prepared to govern and serve the full Potential Annexation Area at this time.

Under state law, the City of Redmond will be required to adopt an Ordinance or Resolution to confirm the NE Rose Hill Annexation following action by the Boundary Review Board. Under state law, the City must confirm the action as approved by the Boundary Review Board. Alternatively, the Council may decide not to pursue the action. However, the City cannot modify the boundaries that have been approved by the Boundary Review Board.

IV. DETERMINATION OF THE STATUS OF THE PUBLIC HEARING

At the completion of public testimony for the NE Rose Hill Annexation, Chair Denton advised the Board of the option to continue the hearing to obtain more information or to close the hearing and deliberate for a decision on the proposed action.

Chair Denton requested a motion to close or to continue the hearing. Ethel Hanis moved that the Boundary Review Board close the present hearing and begin deliberations for a decision concerning NE Rose Hill Annexation (File No. 2168). Judy Tessandore seconded the motion. The Board voted unanimously to close the public hearing and to immediately begin the process of deliberations for a decision concerning the annexation of the NE Rose Hill Area to the City of Redmond.

V. DELIBERATIONS FOR A DECISION IN THE MATTER OF CITY OF REDMOND NE ROSE HILL ANNEXATION (FILE NO. 2168)

Chair Denton called upon the Board to begin the process of deliberation as prescribed by RCW 36.93 that are relevant to the record for File No. 2168. The Boundary Review Board is empowered to permit, modify, or deny a Notice of Intention for an annexation. In the present Notice of Intention (File No. 2168), the Board must consider whether the proposed proportional annexation or a more inclusive annexation meet the intent of RCW 36.93, RCW 36.70A, the King County Comprehensive Plan, and the City of Redmond Comprehensive Plan.

The Board could make a decision that the initially proposed NE Rose Hill Annexation – Phase I (59 acres) appropriately advances the objectives of RCW 36.93. The Board could make a decision to modify the NE Rose Hill Annexation to include an additional area (up to the entire 184-acre Potential Annexation Area) to most effectively achieve consistency with RCW 36.93. The Board could deny the proposal if the members determine that the annexation fails to advance the objectives of RCW 36.93.

Chair Denton stated that the Board would make a preliminary recommendation for a decision at the close of deliberations. The Board would then direct the Executive Secretary to prepare a Resolution and Hearing Decision Report. The Board will then review the Resolution and Hearing Decision Report and make a final decision for File No. 2168. Chair Denton called for deliberations to begin.

Roger Loschen moved that the Board act to approve annexation of the entire NE Rose Hill Potential Annexation Area of 184 acres (Option B). The Board is authorized to modify annexation area boundaries pursuant to RCW 36.93.150. RCW 36.93.150 permits the Boundary Review Board to modify a proposal to add territory. No limits on modifications are established for annexations to cities. Evangeline Anderson seconded the motion.

Chair Denton invited the Board members to comment on the motion.

Mr. Loschen began the discussion by stating that he is persuaded as to the suitability of the annexation of the entire NE Rose Hill Annexation Area, based upon the statutory authority of the Boundary Review Board. More specifically, the Boundary Review Board is required to evaluate an action based upon RCW 36.93 – the Board's Enabling Act. RCW 36.93.170 and RCW 36.93.180 establish specific criteria which the Board must consider. The Board is also required to consider RCW 36.70A (State Growth Management Act); the King County Comprehensive Plan; and statutes of the affected local jurisdiction – in this case the City of Redmond.

The Board is also required to consider the record for File No. 2168 as well as the testimony of King County representatives, of City of Redmond representatives, and affected citizens (e.g., community members, property owners).

Mr. Loschen stated that he is persuaded that the record provides sufficiently compelling evidence that the provisions RCW 36.93 would be better achieved and advanced by annexation of the entire NE Rose Hill Area (184-acres) than by the proposed incremental 59-acre annexation. Mr. Loschen stated more specifically that:

RCW 36.93.180	PROPOSED 59 ACRE ANNEXATION	MODIFIED ANNEXATION (184 ACRES)
OBJECTIVE 1 – PRESERVATION OF NATURAL NEIGHBORHOODS AND COMMUNITIES	ACHIEVES BASIC CRITERION AS ANNEXATION INCLUDES PROPERTIES THAT EACH ARE A PART OF A NATURAL COMMUNITY	ADVANCES BASIC CRITERION AS ANNEXATION INCLUDES ALL PROPERTIES THAT ARE INCLUDED IN A NATURAL COMMUNITY
OBJECTIVE 2 - USE OF PHYSICAL BOUNDARIES, INCLUDING BUT NOT LIMITED TO BODIES OF WATER, HIGHWAYS, AND LAND CONTOURS	ACHIEVES BASIC CRITERION AS BORDER FOLLOWS PHYSICAL BOUNDARIES INTERNAL TO THE PAA – E.G., ROADWAYS, PROPERTY LINES & DRAINAGE BASIN PROVIDE BOUNDARY	ADVANCES BASIC CRITERION AS IT COINCIDES WITH ESTABLISHED COMPREHENSIVE PAA BOUNDARIES
OBJECTIVE 3 - CREATION AND PRESERVATION OF LOGICAL SERVICE AREAS	ACHIEVES BASIC CRITERION AS REDMOND CAN CONTINUE/BEGIN SERVICE TO THESE AREAS IN A WAY THAT ADDRESSES PUBLIC WELFARE WHILE INCREMENTALLY REDUCING COUNTY RESPONSIBILITY FOR SERVICE.	ADVANCES BASIC CRITERION AS REDMOND CAN CONTINUE/BEGIN SERVICE TO ENTIRE AREA IN A WAY THAT ADDRESSES PUBLIC WELFARE. COUNTY WOULD CEASE TO HAVE RESPONSIBILITY FOR SERVICE.
OBJECTIVE 4 – PREVENTION OF ABNORMALLY IRREGULAR BOUNDARIES	FAILS TO MEET BASIC CRITERION AS IRREGULAR BOUNDARY LINES, ALTHOUGH CONTIGUOUS WITH STREETS AND PROPERTY LINES, FRAGMENT THE COMMUNITY AND CREATE CONFUSION FOR SERVICE PROVIDERS	ADVANCES CRITERION AS REGULAR BOUNDARY LINES SUPPORT A UNIFIED COMMUNITY AND STREAMLINE SERVICE PROVISION
OBJECTIVE 5 – DISCOURAGEMENT OF MULTIPLE INCORPORATIONS	DOES NOT APPLY	DOES NOT APPLY
OBJECTIVE 6 – DISSOLUTION OF INACTIVE SPECIAL PURPOSE DISTRICTS	DOES NOT APPLY	DOES NOT APPLY
OBJECTIVE 7 – ADJUSTMENT OF IMPRACTICAL BOUNDARIES	FAILS TO MEET CRITERION	ADVANCES CRITERION AS BOUNDARY LINES SUPPORT DEVELOPMENT & IMPLEMENTATION OF PUBLIC SERVICES, FACILITIES & INFRASTRUCTURE; STREAMLINES SERVICE PROVISION
OBJECTIVE 8 – INCORPORATION AS CITIES OR TOWNS OR ANNEXATION TO CITIES OR TOWNS OF UNINCORPORATED AREAS WHICH ARE URBAN IN CHARACTER	ACHIEVES BASIC CRITERION AS UNINCORPORATED URBAN AREA IS REDUCED BY 59 ACRES	ADVANCES CRITERION AS UNINCORPORATED URBAN AREA IS REDUCED BY 184 ACRES
OBJECTIVE 9 – PROTECTION OF AGRICULTURAL AND RURAL LANDS DESIGNATED BY A COMPREHENSIVE PLAN ADOPTED BY THE COUNTY LEGISLATIVE AUTHORITY	DOES NOT APPLY	DOES NOT APPLY

Mr. Loschen further stated that the provisions of the Growth Management Act and the King County Comprehensive Plan call for urban areas to be governed by local jurisdictions. Under State Growth Management guidelines, King County has designated the unincorporated area known as NE Rose

Hill as Urban Area. The City of Redmond has confirmed this urban designation in its comprehensive Plan. The City Comprehensive Plan Potential Annexation Area includes NE Rose Hill.

Mr. Loschen further stated that citizens' desires to remain unincorporated are understandable. However, Mr. Loschen stated that the Board is mandated to support governance systems that are consistent with the law and that support effective, efficient communities. It is Mr. Loschen's opinion that annexation of the entire NE Rose Hill Annexation Area (at 184 acres) best addresses the law and best provides for governance of citizens of the area.

Other Board members speaking in favor of the modification to the NE Rose Hill Annexation (184 acres) included Evangeline Anderson, A. J. Culver, Claudia Hirschey, Michael Marchand and Judy Tessandore. These members offered the following comments in support of this position:

- The City of Redmond has included NE Rose Hill in its Comprehensive Plan Potential Annexation Area. There was considerable public process provided with respect to the designation of the NE Rose Hill Potential Annexation Area. This designation is approved by the State.

The City of Redmond Comprehensive Plan does establish with certainty that the land will be incorporated into the City of Redmond. Annexation to Redmond is inevitable under the law. While the law establishes no specific timeline for the incorporation of the NE Rose Hill Area, a single, unified annexation supports governance and service provision that is both more effective and less costly to both citizens and jurisdictions.

- NE Rose Hill could be annexed to the City of Kirkland only with state approval of a proposal for a change of comprehensive plans by the City of Redmond and Kirkland. Redmond has no plan to relinquish NE Rose Hill. City of Kirkland officials have stated, for the record, the lack of interest in seeking authority to annex NE Rose Hill.
- The NE Rose Hill Area is an urban area pursuant to the King County Comprehensive Plan and the City of Redmond Comprehensive Plan. It is understood that the local residents and property owners may consider the land to be rural, however, state law (e.g., RCW 36.70A; RCW 36.93) must prevail, and so the Annexation Area must remain an urban area.

The City of Redmond has gone to great effort to plan for land use and land development to ensure that the unity of this residential community is maintained and that the quality of life is preserved for the citizens of NE Rose Hill. The City and the citizens can work together to develop standards for land uses (e.g., type and density of residential units) and to establish specific service plans.

- Annexation of the entire NE Rose Hill Annexation Area would be consistent with the provisions of RCW 36.93.150. There is substantial precedent for substantial modifications of boundaries to address issues that are similar and equivalent to the matters of adequate governance and service identified for the NE Rose Hill Area.
- King County officials have expressed concerns about the capacity of County providers to adequately serve unincorporated urban areas, including the NE Rose Hill Area. Annexation of the entire NE Rose Hill Annexation Area would facilitate coordinated land use planning and development while reducing the disorder and costs related to need for multiple service providers. Of particular concern is the capacity to provide the sewers required to preserve public health and the capacity to provide emergency police service in a timely manner. Annexation of the entire NE Rose Hill Annexation Area would decrease the number and size of unincorporated areas under the jurisdiction of the County.
- The NE Rose Hill Annexation – Phase I, as proposed, appears to be a patchwork design with an irregular boundary that will hinder governance and service. For example, if the annexation is confined to the NE Rose Hill Annexation – Phase I (59 acres), then that area will be governed and served under City standards. The remaining unincorporated area – although adjacent and linked to Redmond – will be administered under King County regulations and standards. The logistics for managing the varying governance and service systems are too complicated and too costly. Citizens are not well served in a patchwork community.

County standards differ from City standards in several service categories, including land use, police services, and roadway development. The disparities may fragment the area and increase the challenges for immediate and long-term governance of this area. Community unity is not

preserved or promoted by such variable development standards. Annexation of the entire 184-acre area would resolve this disparity.

- King County faces severe challenges in assembling and allocating the resources to provide adequate facilities and infrastructure to unincorporated urban areas, including, but not limited to, the NE Rose Hill Area. City of Redmond representatives have testified as to the capacity and availability of resources to provide (directly or by contract) the basic services, facilities, and amenities – including fire, water, sewers, roads, stormwater systems, schools, libraries, parks and recreational facilities.

For example, the NE Rose Hill Annexation Area properties are served by septic systems. Sewer systems are required now – or will soon be required – for properties in the area. King County cannot provide sewers to the area, but the City of Redmond is prepared to provide sewers to properties within its jurisdiction. The City is not required to serve unincorporated properties.

- There is understanding of and empathy for citizen interests in preserving the current governance system. However, King County is not the proper government unit to provide for the NE Rose Hill Area. Citizens are encouraged to continue to work with Redmond officials to facilitate a strong, viable transition into the City. City officials were encouraged to welcome and include citizens in the municipal decision-making processes.

Board members speaking in favor of the initially proposed NE Rose Hill Annexation – Phase I (59 acres) included: Ellen Abellera, Lloyd Baker, Ethel Hanis, and Jim Denton. These members offered the following comments in support of this position:

- The Boundary Review Board has a fundamental and first responsibility to determine whether an action is consistent with the Washington State Constitution. State law calls for citizens to determine a preferred form of governance.
- The Growth Management Act, RCW 36.93, the King County Comprehensive Plan, and the City of Redmond Comprehensive Plan establish Redmond as the local jurisdiction slated to govern the NE Rose Hill Area. However those standards do not establish or require a timeline for accomplishment of annexation. No law requires immediate annexation to local jurisdictions.
- The Redmond Comprehensive Plan does call for annexation of the entire NE Rose Hill Area. The City of Redmond demonstrates a philosophy that supports local governance of the citizens of NE Rose Hill. While annexation is logical and inevitable under that Plan, Redmond officials are not seeking to annex citizens that do not wish to join the community. The City states that, as citizens become ready to join the City, the jurisdiction is willing to undertake annexation in order to govern and serve the NE Rose Hill Area. The City is willing to work with citizens to develop governance plans, but Redmond does not currently offer a specific comprehensive program to govern or serve these new residents.
- King County has called upon the Boundary Review Board to annex the entire NE Rose Hill Area (184 acres) against the will of citizens of the area. County officials are essentially the only supporters of the annexation of the entire NE Rose Hill Potential Annexation Area. The County has reported that funds for services are limited. However, the County has failed to demonstrate to citizens that there is a problem of governance or service that would compel immediate annexation of the entire NE Rose Hill Area at this time. The City of Redmond, similarly, has failed to persuade citizens of the advantages of annexation to that jurisdiction. Therefore, citizens do not wish to join the City.

Further, King County officials have failed to provide persuasive evidence to the Boundary Review Board that there is a substantial malfunction of governance or service that requires immediate annexation of the entire NE Rose Hill Area in violation of the will of a majority of the citizens of NE Rose Hill. Rather, King County can continue to serve the NE Rose Hill Area for the present time in a manner that meets requirements for basic public welfare.

The Board must determine whether the NE Rose Hill Annexation meets the requirements established by RCW 36.93, the Growth Management Act, the King County Comprehensive Plan, and the City of Redmond Comprehensive Plan, et al.

- RCW 36.93 does support the annexation of the NE Rose Hill Area – Phase I (at 59 acres). The NE Rose Hill Annexation – Phase I would be consistent with the objectives described in RCW 36.93.180 as follows:

RCW 36.93.180	PROPOSED 59 ACRE ANNEXATION
OBJECTIVE 1 – PRESERVATION OF NATURAL NEIGHBORHOODS AND COMMUNITIES	ACHIEVES BASIC CRITERION - ANNEXATION INCLUDES PROPERTIES THAT EACH ARE A PART OF A NATURAL COMMUNITY
OBJECTIVE 2 – USE OF PHYSICAL BOUNDARIES, INCLUDING BUT NOT LIMITED TO BODIES OF WATER, HIGHWAYS, AND LAND CONTOURS	ACHIEVES BASIC CRITERION - BORDER FOLLOWS PHYSICAL BOUNDARIES INTERNAL TO THE PAA – E.G., ROADWAYS, PROPERTY LINES & DRAINAGE BASIN PROVIDE BOUNDARY
OBJECTIVE 3 - CREATION AND PRESERVATION OF LOGICAL SERVICE AREAS	ACHIEVES BASIC CRITERION – REDMOND CAN CONTINUE/BEGIN SERVICE TO THESE AREAS IN A WAY THAT ADDRESSES PUBLIC WELFARE WHILE INCREMENTALLY REDUCING COUNTY RESPONSIBILITY FOR SERVICE.
OBJECTIVE 4 – PREVENTION OF ABNORMALLY IRREGULAR BOUNDARIES	ACHIEVES BASIC CRITERION - BOUNDARY IS NOT GEOMETRICALLY REGULAR, HOWEVER BORDERS ARE CONTIGUOUS WITH STREETS & PROPERTY LINES
OBJECTIVE 5 – DISCOURAGEMENT OF MULTIPLE INCORPORATIONS	DOES NOT APPLY
OBJECTIVE 6 – DISSOLUTION OF INACTIVE SPECIAL PURPOSE DISTRICTS	DOES NOT APPLY
OBJECTIVE 7 – ADJUSTMENT OF IMPRACTICAL BOUNDARIES	ACHIEVES BASIC CRITERION - INCREMENTALLY SUPPORTS DEVELOPMENT & IMPLEMENTATION OF PUBLIC SERVICES, FACILITIES & INFRASTRUCTURE; INCREMENTALLY STREAMLINES SERVICE PROVISION.
OBJECTIVE 8 – INCORPORATION AS CITIES OR TOWNS OR ANNEXATION TO CITIES OR TOWNS OF UNINCORPORATED AREAS WHICH ARE URBAN IN CHARACTER	ACHIEVES BASIC CRITERION – UNINCORPORATED URBAN AREA REDUCED BY 59 ACRES
OBJECTIVE 9 – PROTECTION OF AGRICULTURAL AND RURAL LANDS DESIGNATED BY A COMPREHENSIVE PLAN ADOPTED BY THE COUNTY LEGISLATIVE AUTHORITY	DOES NOT APPLY

- A majority of the citizens of the NE Rose Hill Annexation Area – Phase I (59 acres) have stated their preference to join the City of Redmond. As that annexation would be consistent with the law, those persons should be permitted to annex to the City.
- The majority of the citizens of the remaining NE Rose Hill Potential Annexation Area (125 acres) have clearly – and on more than one occasion – stated their opposition to joining the City of Redmond. There is no legal standard that requires annexation of the entire NE Rose Hill Area now. While the Board may be authorized under RCW 36.93.150 to modify the annexation to include the entire 184-acre NE Rose Hill community, to take this action would be a perversion of the process for annexation review because forcing those citizens to join Redmond is not consistent with the provisions of the Constitution. The law clearly provides for citizens to determine the timeline and circumstances which will guide the initiation of the annexation process. The Board should recognize the rights of the citizens.
- The County has created a scenario in which there is a conflict among the County, the City of Redmond, and the local citizenry. The County, the City, and the citizens should work together to plan for future annexation of the remaining NE Rose Hill Annexation Area (125 acres). For example, the City of Redmond has stated that it is prepared to provide services to the entire NE Rose Hill Area – either directly or by contract. However, City has not developed specific designs or timelines for provision of some services (e.g., sewers). The City appears to intend to establish those plans upon completion of the annexation process. The City should be provided time to work with citizens to establish such service plans.

Residents and property owners will be more likely to request annexation when the City has confirmed a plan to govern the area and the County has demonstrated to the citizens an inability to govern or serve, the community.

At the close of discussion on Mr. Loschen's motion, Chair Denton called for a vote on question.

Roger Loschen repeated his motion that the Boundary Review Board approve modification of the proposed NE Rose Hill Annexation – Phase I (File No. 2168) to include the entire NE Rose Hill Potential Annexation Area at 184-acres, based upon the following factors:

- RCW 36.93, RCW 36.70A and the King County Comprehensive Plan/Countywide Policies form the foundation for Board decisions. The role of the Boundary Review is to implement these existing laws; the Board does not have the authority to make law or policy.
- Annexation of the entire NE Rose Hill Annexation Area (at 184 acres) most consistent with RCW 36.93.170/180. This option advances the six relevant criteria -- Objectives 1-4, 7 and 8. In summary, The annexation area boundaries precisely coincide with the NE Rose Hill Annexation Area, thereby preserving the neighborhood (Objective 1), providing reasonable geographic and service area boundaries (Objectives 2-4 and Objective 7). Further this Option brings lands which are urban in character into an urban community which is consistent with Objective 8. Objectives 5, 6 and 9 are not relevant to this action.
- Annexation of the NE Rose Hill Annexation Area – Phase I (59 acres) achieves basic compliance with several relevant criteria under RCW 36.93. This annexation fails to achieve other criteria. Further, this annexation would fail to advance any of the relevant criteria.
- Annexation of the entire NE Rose Hill Annexation Area (at 184 acres) is fully consistent with the Growth Management Act, King County Comprehensive Plan, and the Redmond Comprehensive Plan. Annexation of the NE Rose Hill Annexation Area – Phase I meets the minimum requirements of the Growth Management Act, King County Comprehensive Plan, and the Redmond Comprehensive Plan.
- An action to annex the entire NE Rose Hill Annexation Area (184 acres) is permitted by RCW36.93.150.
- A decision of the Board to approve the annexation of the entire NE Rose Hill Annexation Area (184 acres) is considered to be consistent with all applicable state, regional, and local authorities. However, it is acknowledged that the Board's action may be challenged through the judicial system. Achievement of legal standards, rather than the likelihood of litigation, must form the foundation for the Board's decision to approve, to modify, or to deny a proposed annexation.

Mr. Loschen's motion to support annexation of the entire NE Rose Hill Annexation Area (184 acres) to the City of Redmond was approved by a vote of six in favor and four in opposition. Voting in favor of the motion were:

Evangeline Anderson
Claudia Hirschey
Michael Marchand

A. J. Culver
Roger Loschen
Judy Tessandore

Voting in opposition to the motion were:

Ellen Abellera
James Denton

Lloyd Baker
Ethel Hanis.

Chair Denton reported that Lenora Blauman will prepare a Resolution and Hearing Decision for approval of the modification to the NE Rose Hill Annexation (184 acres). This Report will be presented to the Boundary Review Board at the Regular Meeting of September 27, 2004. The Board will then make a final decision with respect to the City of Redmond NE Rose Hill Annexation (File No. 2168).

V. ADJOURNMENT

Ethel Hanis moved and Ellen Abellera seconded a motion to adjourn the meeting of August 23, 2004. The motion passed by unanimous vote. Chair Denton adjourned the meeting at 10:50 PM.